

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JOHN DAVID GARCIA,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-06-0835-F
)	
JOSEPH SCIBANA, Warden,)	
)	
Respondent.)	

ORDER

This action seeks habeas relief under 28 U.S.C. § 2241. Petitioner appears *pro se*, and his pleadings are liberally construed.


Magistrate Judge Robert E. Bacharach entered his Report and Recommendation in this matter on August 24, 2006. (Doc. no. 6.) In that Report, the magistrate judge recommends summary dismissal of the petition. The Report further advises petitioner of his right to file an objection to the Report by September 13, 2006. The Report advises that failure to make timely objection to the Report waives the right to appeal the recommended dismissal.

Petitioner has not objected to the Report and has not sought a request for an extension of time within which to object.

After review of the Report, the record, and the relevant authorities, and with there being no objection, the court finds and concludes that it concurs with the magistrate judge's determinations and that no purpose would be served by repeating those determinations, or any analysis, here.

Accordingly, the Report and Recommendation of Magistrate Judge Robert E. Bacharach is **ACCEPTED, ADOPTED, and AFFIRMED** in its entirety. For the reasons stated in the Report, the petition is **DISMISSED**.

Dated this 28th day of September, 2006.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

06-0835p002(pub).wpd